

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

655D0595

## SENATE BILL NO. 68

Introduced by: Senators Dunn (Rebecca), Lange, Lawler, Reedy, Symens, and Valandra and  
Representatives Engbrecht, Chicoine, Fitzgerald, Lucas, and Patterson

1 FOR AN ACT ENTITLED, An Act to reduce the level of blood alcohol that is permitted to  
2 determine if a person is driving under the influence.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-12-110.1 be amended to read as follows:

5 32-12-110.1. No person may drive or be in actual physical control of a commercial motor  
6 vehicle while there is between 0.04 and ~~0.10~~ 0.08 percent or more, by weight of alcohol in ~~his~~  
7 the person's blood as shown by chemical analysis of ~~his~~ the person's breath, blood, or other body  
8 substance. Any violation of this section is a Class 2 misdemeanor.

9 Section 2. That § 32-23-1 be amended to read as follows:

10 32-23-1. A No person may ~~not~~ drive or be in actual physical control of any vehicle while:

11 (1) There is ~~0.10~~ 0.08 percent or more by weight of alcohol in ~~his~~ the person's blood as  
12 shown by chemical analysis of ~~his~~ the person's breath, blood, or other bodily  
13 substance;

14 (2) Under the influence of an alcoholic beverage;

15 (3) Under the influence of marijuana or any controlled drug or substance to a degree  
16 which renders ~~him~~ the person incapable of safely driving; or

1       (4)    Under the combined influence of an alcoholic beverage and marijuana or any  
2            controlled drug or substance to a degree which renders ~~him~~ the person incapable of  
3            safely driving.

4       Section 3. That § 32-23-1.3 be amended to read as follows:

5       32-23-1.3. Any person arrested for driving or being in actual physical control of a vehicle  
6       while the weight of alcohol in the blood of the arrested person is ~~0.10~~ 0.08 percent or greater,  
7       shall be charged with a violation of § 32-23-1. The charge may be reduced or dismissed only if  
8       the prosecuting attorney states the reasons for reduction or dismissal in writing and on the record  
9       and files the reasons with the clerk of courts.

10      Section 4. That § 42-8-45 be amended to read as follows:

11      42-8-45. No person may operate a boat while underway on the public waters of the state  
12      while:

13      (1)    There is ~~0.10~~ 0.08 percent or more by weight of alcohol in ~~his~~ the person's blood as  
14            shown by chemical analysis of ~~his~~ the person's breath, blood, or other bodily  
15            substance;

16      (2)    Under the influence of an alcoholic beverage;

17      (3)    Under the influence of marijuana or any controlled drug or substance to a degree  
18            which renders ~~him~~ the person incapable of safely driving or operating such boat; or

19      (4)    Under the combined influence of an alcoholic beverage and marijuana or any  
20            controlled drug or substance to a degree which renders ~~him~~ the person incapable of  
21            safely driving or operating such boat.

22      Any violation of this section is a Class 1 misdemeanor.